

DETERMINATION

Case reference: ADA2252

Objector: A member of the public

Admission Authority: The governing body of the Maharishi Free School Trust

Date of decision: 9 July 2012

Determination

In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the governing body of the Maharishi Free School Trust for admissions in September 2013.

I determine that the oversubscription criterion (d) relating to preference being given to “pupils transferring from another school that is approved and supported by The International Foundation of Consciousness-based Education” does not conform with the requirements relating to admission arrangements.

I have also considered the arrangements in accordance with section 88I (5). There are other aspects which do not comply with the School Admissions Code in the ways set out in paragraph 12 of this adjudication.

By virtue of section 88K (2) the adjudicator’s decision is binding on the admission authority. The School Admissions Code requires the admission authority to make the remaining revisions to its admission arrangements as quickly as possible.

The referral

1. Under section 88H (2) of the Schools Standards and Framework Act 1998 (the Act), an objection has been referred to the Adjudicator by a member of the public wishing to remain anonymous (the objector) about the 2013 admission arrangements (the arrangements) for the Maharishi Free School (the School). The objection is to the oversubscription criterion (d) relating to preference being given to “pupils transferring from another school that is approved and supported by The International Foundation of Consciousness-based Education”.

Jurisdiction

2. The terms of the Academy agreement between the Maharishi Free School Trust and the Secretary of State for Education require that the admissions policy and arrangements for the School are in accordance with

admissions law as it applies to maintained schools. The arrangements were determined by the governing body of the Maharishi Free School Trust which is the admission authority for the School.

3. The objector submitted an objection to these determined arrangements on 8 May 2012. As the objector provided the Adjudicator with their name and address, an anonymous objection was allowable under Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that it is within my jurisdiction.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the 2012 School Admissions Code (the Code).

The documents I have considered in reaching my decision include:

- a. the objector's form of objection dated 8 May 2012 and further email correspondence;
- b. the School's response to the objection and further correspondence;
- c. the response of Lancashire County Council (the Council) to the objection in a letter dated 28 May 2012;
- d. the Council's composite prospectus for parents seeking admission to schools in the area for September 2012;
- e. a map of the area identifying relevant schools;
- f. extracts of the minutes of meetings at which the governing body decided the arrangements, dated 11 December 2011 and 18 March 2012;
- h. a copy of the determined arrangements; and
- i. the Admissions Policy as downloaded from the School's website on 9 May 2012.

5. I held a meeting at the School on 13 June 2012 (the meeting) with representatives of the School and the Council, and have taken account of information received and views expressed during that meeting and subsequent correspondence from the School related to revised arrangements in response to points discussed at the meeting.

The Objection

6. The objection related to the oversubscription criterion (d) about the preference given to "pupils transferring from another school that is approved and supported by The International Foundation of Consciousness-based Education" and in particular that the Code at paragraph 1.9 (l) prohibits

admission authorities naming a fee-paying independent school as a feeder school.

Other Matters

7. In reviewing the 2013 arrangements at the Meeting, I raised other aspects of the arrangements that appeared to contravene the requirement of the Code at paragraph 1.8 that oversubscription criteria must be reasonable, clear, objective, procedurally fair, and include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.

Background

8. The School is a state funded Academy School that is a Free School for children aged from 4 to 16 years, situated in West Lancashire. On 7 September 2011 the School changed its name from the Maharishi School to Maharishi Free School and became an all ability inclusive Academy with a planned capacity of 180 pupils aged 4 to 16 years. Pupils on roll in the predecessor independent school transferred automatically to the Academy on opening.

Consideration of Factors

9. Oversubscription criterion (d) of the 2013 determined arrangements for the School stated that the School would give preference to “pupils transferring from another school that is approved and supported by The International Foundation of Consciousness-based Education”. The School clarified that all such schools are fee-paying and acknowledged that this contravenes the Code at paragraph 1.9 (l).

10. The Council stated that it had not been aware that the group of schools referred to in the admissions policy comprised or included fee-paying establishments, as the School was not a party to full co-ordination in its first year, but that the School had confirmed it would delete the criterion.

11. By the time of the meeting, the School had already deleted the criterion from the arrangements published on its website. Paragraph 3.6 of the Code details that such an amendment can be made immediately by the admission authority as a permitted variation in order to comply with the Code. At the time of the meeting the arrangements had not yet been amended on the Council’s website and the Council representative agreed to ensure that the amendment would be made.

12. As it appeared to me that there were other aspects of the admission arrangements that did not comply with the requirements relating to admission arrangements, I used my powers under s88l of the Act to review the arrangements as a whole for full compliance with the Code. At the meeting I raised each of the following points which appeared to me to contravene the Code and could also be amended immediately by the School as a permitted variation under paragraph 3.6 of the Code:

- a. The arrangements were not clear about the published admission

number (PAN) as required by paragraph 1.2 of the Code. The School confirmed the 2013 arrangements would be amended to clarify its PAN for admissions to the Reception Year and whether there would be admissions to Year 7. Since the meeting the School has submitted revised arrangements which clarify that the PAN for admissions to the Reception Year will be 15 and that a child already enrolled at the School in Year 6 will not need to reapply as s/he will automatically have a place in Year 7 as it is an all through school.

b. As required by paragraph 1.13 of the Code, clarification was essential for criterion (e) about how distance would be measured. The School agreed to use the Council's wording and the Council agreed to provide the School with the wording for this. The School also agreed to simplify the complicated reference as to how 25 per cent and 75 per cent of places might be available, and both issues have been addressed in the revised 2013 admission arrangement submitted by the School.

c. The use of the term "catchment" on the website was potentially misleading, and contrary to the requirement in paragraph 1.14 of the Code for a clear definition. At the meeting the School agreed to make an amendment.

d. On the School's website, the references to expectations about participation in transcendental meditation (TM) could be taken as being conditional in order to gain a place, and therefore contrary to the Code at paragraph 1.9 (a). The School agreed to amend its website but has yet to remove any doubt by reorganising its website so that any reference to the hope that pupils will participate in TM may be located in an information area about the School and not in the admissions policy nor in the oversubscription criteria within the policy.

e. The School agreed to reconsider the wording about the hope that potential applicants will find out more about the School by attending one of the many open days. The reference to looked after children has since been removed in the revised 2013 admission arrangements. However, in order to comply with paragraph 1.9 (a) of the Code, the wording regarding the expectation of attendance at open days should be revised to make clear that it is an opportunity and not a condition.

f. To be compliant with the Code at paragraph 2.16 (b) a reference to the possibility of part-time attendance for children below compulsory school age was needed in addition to deferred entry. The appropriate reference has since been included in the revised 2013 admission arrangements submitted by the School.

g. The reference regarding children with a statement of special educational needs which names the School should not have been included in the oversubscription criteria, as the Code at paragraph 1.6 requires that all such children must be admitted. The School agreed to locate the reference in an earlier part of the arrangements, and this has

been addressed in the revised admission arrangements.

h. The admission of twins and children of multiple birth was not clear in the arrangements but has since been clarified in the revised admission arrangements.

i. The School had not defined which “staff” would qualify regarding oversubscription criterion (c) giving priority for the children of staff. The revised arrangements stipulate that the criterion applies to staff permanently employed by the School.

j. To comply with paragraph 2.24 of the Code regarding a parent’s right to appeal against any decision to refuse their child a place at the School, the School’s website should also have informed parents that they would have to set out their grounds for appeal in writing. This has since been clarified in the revised admission arrangements.

k. To aid clarity, the admission arrangements should also have included in the title the admissions year to which they apply, and this has been addressed in the revised admission arrangements submitted by the School.

Conclusion

13. On the basis of the evidence available to me, I am satisfied that the oversubscription criterion giving priority for attendance at a specific type of school and for which fees are payable was not permitted by the Code.

14. The School accepted that the criterion could not be used and immediately deleted the criterion from the admission arrangements published on its website, which is a permitted variation in order to comply with the Code. The Council agreed to amend the arrangements on its website for 2013 admissions.

15. The other aspects which do not comply with the Code are set out in paragraph 12 of this adjudication, and the governing body have taken action to address the majority of these in the revised arrangements. The School Admissions Code requires an admission authority to make the remaining revisions to its admission arrangements as quickly as possible in order to comply with the Code.

Determination

16. In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the governing body of the Maharishi Free School Trust for admissions in September 2013.

17. I determine that the oversubscription criterion (d) relating to preference being given to “pupils transferring from another school that is approved and supported by The International Foundation of Consciousness-based Education” does not conform with the requirements relating to admission arrangements.

18. I have also considered the arrangements in accordance with section 88I (5). There are other aspects that do not comply with the School Admissions Code in the ways set out in paragraph 12 of this adjudication.

19. By virtue of section 88K (2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to make the remaining revisions to its admission arrangements as quickly as possible.

Dated: 9 July 2012

Signed:

Schools Adjudicator Cecilia Galloway